



Order Filed on December 22, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with  
D.N.J.LBR 9004-1**

**STEWART LEGAL GROUP, P.L.**

*Formed in the State of Florida*

Gavin N. Stewart, Esq.

*Of Counsel to Bonial & Associates, P.C.*

401 East Jackson Street, Suite 2340

Tampa, FL 33602

Tel: 813-371-1231/Fax: 813-371-1232

E-mail: gavin@stewartlegalgroup.com

*Attorney for Nissan Motor Acceptance  
Corporation*

In re:

Terry A. Desande

Linda A. Desande

Debtors.

Chapter: 13

Case No.: 19-13805-CMG

Hearing Date: December 16, 2020

Judge Christine M. Gravelle

**CONSENT ORDER RESOLVING MOTION TO  
VACATE AUTOMATIC STAY AND CO-DEBTOR STAY**

The relief set forth on the following pages is hereby **ORDERED**.

**DATED: December 22, 2020**

A handwritten signature in cursive script, reading "Christine M. Gravelle", written in black ink.

Honorable Christine M. Gravelle  
United States Bankruptcy Judge

Debtor: Linda A. DeSande and Terry A. DeSande  
Case No.: 19-13805-CMG  
Caption of Order: **CONSENT ORDER RESOLVING MOTION TO VACATE  
AUTOMATIC STAY AND CO-DEBTOR STAY**

THIS MATTER having been opened to the Court upon the Motion to Vacate the Automatic Stay and Co-Debtor Stay (“Motion”) filed by Nissan Motor Acceptance Corporation (“Creditor”), whereas the post-petition arrearage amount was \$4,440.84 as of December 16, 2020 and whereas the Debtors and Creditor seek to resolve the Motion, it is hereby **ORDERED**:

1. The automatic stay provided under 11 U.S.C. §362(a) shall remain in effect as to Creditor’s interest in the following property: **2018 Nissan Rogue; VIN: 5N1AT2MV5JC715171** (“vehicle”) provided that the Debtors comply with the following:

- a. On or before December 31, 2020, the Debtors shall cure the post-petition arrearage by tendering a lump sum payment of \$2,940.84 directly to Creditor; and
- b. In addition to the above payment, the Debtors shall pay the remaining arrearage amount, namely \$1,500.00, directly to Creditor, as well as the January 14, 2021 payment on or before January 14, 2021.

2. Upon the maturity of the underlying lease on January 14, 2020, the automatic stay under section 362 of the Bankruptcy Code and the co-debtor stay under section 1301 of the Bankruptcy Code shall be deemed terminated as to Creditor’s interest in the Vehicle.

3. All payments due hereunder shall be sent directly to Creditor at the following address: **Nissan Motor Acceptance Corporation, P.O. Box 660366, Dallas, Texas 75266-0366.**

4. The Debtors will be in default under the Consent Order in the event that the Debtors fail to comply with the payment terms and conditions set forth in above Paragraphs.

5. If the Debtors fail to cure the default within thirty (30) days from the date of default, Creditor may submit a Certificate of Default to the Court on fourteen (14) days’ notice to counsel

for Debtors and the Chapter 13 Trustee for an order lifting the automatic stay imposed under 11 U.S.C. § 362(a), if not already terminated as stated above, and permitting Creditor to exercise any rights under the loan documents with respect to the Vehicle.

6. Creditor is awarded reimbursement of attorney fees and costs in the amount of \$250.00 and \$181.00, respectfully to be paid through the Chapter 13 Plan.

**STIPULATED AND AGREED:**

/s/ Eugene D. Roth

Eugene D. Roth, Esquire  
Law Office of Eugene D. Roth  
Valley Pk. East, 2520 Hwy 35, Suite 307  
Manasquan, NJ 08736  
*Counsel to Debtor*

/s/ Gavin N. Stewart

Gavin N. Stewart, Esq.  
Stewart Legal Group, P.L.  
401 East Jackson Street, Suite 2340  
Tampa, FL 33602  
*Counsel to Creditor*

In re:  
Terry A. DeSande  
Linda A. DeSande  
Debtor(s)

Case No. 19-13805-CMG  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3  
Date Rcvd: Dec 22, 2020

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 24, 2020:

Recip ID	Recipient Name and Address
db/jdb	Terry A. DeSande, Linda A. DeSande, 93 Eton Ron, Toms River, NJ 08757

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 24, 2020

Signature: /s/Joseph Speetjens

---

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 22, 2020 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Elizabeth K. Holdren	on behalf of Creditor New Residential Mortgage LLC d/b/a Shellpoint Mortgage Servicing eholdren@hillwallack.com, jhanley@hillwallack.com;hwbknj@hillwallack.com
Eugene D. Roth	on behalf of Debtor Terry A. DeSande erothesq@gmail.com
Eugene D. Roth	on behalf of Joint Debtor Linda A. DeSande erothesq@gmail.com
Gavin Stewart	on behalf of Creditor Nissan Motor Acceptance Corporation bk@stewartlegalgroup.com
Kevin Gordon McDonald	on behalf of Creditor Ditech Financial LLC kmcdonald@kmlawgroup.com bkgroup@kmlawgroup.com

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Dec 22, 2020

Form ID: pdf903

Total Noticed: 1

Laura M. Egerman

on behalf of Creditor DITECH FINANCIAL LLC bkyecf@rasflaw.com bkyecf@rasflaw.com;legerman@rasnj.com

Shauna M Deluca

on behalf of Creditor New Residential Mortgage LLC d/b/a Shellpoint Mortgage Servicing sdeluca@rasflaw.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10